

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Date: July 18, 1984
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
Zoning Petition Nos. 85-25-A, 85-30-A, 85-33-A,
SUBJECT: 85-24-A, 85-35-A and 85-36-A

There are no comprehensive planning factors requiring comment on these petitions.

Norman E. Gerber
Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/sf

IN RE: PETITION ZONING VARIANCE
SW/S of West Woodwell Road,
355' NW of the centerline of
Pinewood Road - 12th Election
District
Vincent Culotta, et ux,
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 85-30-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of one foot instead of the required 7 1/2 feet as more fully described on Petitioners' Exhibit 1.

The Petitioners appeared and testified. Kathryn Noragong, an adjacent property owner, appeared as a Protestant and was represented by Counsel.

Testimony indicated that the 50' x 120' property is zoned D.R.5.5. The Petitioners decided to add a carport onto the side of their home toward Mrs. Noragong's house and did so without a permit. The projected carport did not materialize, but in its stead, the Petitioners built a covered deck. Unfortunately, not only did they not have a permit, they constructed it approximately one inch from the side property line instead of the required 7 1/2 feet. They built the deck on that side of the house due to the location of the side entrance and the driveway which leads to the deck.

Mrs. Noragong objects to the deck as it is too close and is an eyesore. She cannot maintain her fence because of its close proximity to the deck. She retaliates early and is disturbed by the noise emanating at night from those using the deck, although she admits that the Petitioners are not abusive. Mrs. Noragong also complained about the rain water running off the roof onto her property, causing seepage into her basement, and is concerned about animals and debris getting underneath the deck, which is approximately 18 inches above ground.

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DATE August 2, 1984
BY *John P. Langston*
ADMINISTRATIVE ASSISTANT

Mary McCreary, the Protestant's daughter, testified that they would be satisfied if the Petitioners shortened the deck about three inches.

The Petitioners pointed out that there are many homes in the area that have carports in violation of the setback requirements, including Mrs. Noragong. See Petitioners' Exhibits 7 through 10 which show these violations. Mrs. Noragong does have a carport on the side of her home opposite the deck which, indeed, is in violation of the setback requirement. See Petitioners' Exhibit 9. It seems that Mrs. Noragong would have appreciated the courtesy of being asked by the Petitioners before they began construction, as she did her neighbor who did not object when her carport was built.

The Petitioners presented a petition signed by other neighbors who do not object to the deck, Petitioners' Exhibit 6.

The Petitioners seek relief from Sections 301.1 and 1802.3.C.1, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. *McLean Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

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It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement the Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 20 day of August, 1984, that the Petition for Zoning Variance to permit a side yard setback of one foot instead of the required 7 1/2 feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- The Petitioners must relocate the rain downspout from the front of the deck, i.e., between the deck and the fence, to the side facing the driveway and aim the downspout away from the adjacent property. The Petitioners must take precautions to prevent an undue amount of water from flowing off the roof of the deck onto the adjacent property.

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ADMINISTRATIVE ASSISTANT

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- The Petitioners shall assume total responsibility for that portion of the existing fence running the length of the deck, i.e., the Petitioners shall maintain and repair that portion at their expense. If Mrs. Noragong desires a different fence, of whatever type or material, it shall be the responsibility of the Petitioners to comply at their expense.
- The Petitioners shall replace the screening around the foundation of the deck to sufficiently prevent animal access and debris from accumulating thereunder.

Arnold Jablon
Arnold Jablon
Zoning Commissioner of
Baltimore County

AJ/srl
cc: Mr. & Mrs. Vincent Culotta
Frances C. Gambo, Esquire
People's Counsel

ORDER RECEIVED FOR FILING
DATE August 2, 1984
BY *John P. Langston*
ADMINISTRATIVE ASSISTANT

We the undersigned, being resident's of the Gray Manor community, have no complaint of the open porch structure or the setback installed by the petitioner, Vincent Culotta of Lot #135 also known as 2709 West Woodwell Road.

Vincent Culotta
signature

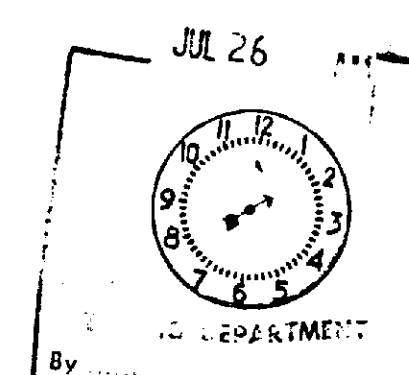
Diane Culotta
signature

NAMES	ADDRESSES
<i>John Culotta</i>	2705 W Woodwell Rd, Baltimore 21222
<i>James R Howard</i>	2709 W Woodwell Rd, Baltimore 21222
<i>Mrs. D. A. Pitt</i>	2703 W Woodwell Rd, Baltimore 21222
<i>Mrs. M. Lee McMillan</i>	2702 W Woodwell Rd, Baltimore 21222
<i>B. P. Anderson</i>	2704 W Woodwell Rd, Baltimore 21222
<i>Oliver Shifflet</i>	2701 W Woodwell Rd, Baltimore 21222

PETITIONER'S
EXHIBIT 6

RANDOLPH N. BLAIR
M. SAMUEL VETRI
OF COUNSEL
WILLIAM J. VAWORTH

July 24, 1984



Office of Planning and Zoning
for Baltimore County
County Office Building
Towson, Maryland 21204

Re: Petition for Variance
Property of Vincent Culotta, et ux
Hearing: July 31, 1984

Dear Commissioner:

Please enter our appearance on behalf of Mrs. Kathryn Noragong, 2711 West Woodwell Road, and that she intends to be present and contest the hearing on the variance.

Very truly yours,

M. Samuel Vetri
M. Samuel Vetri

MSV:pr

PETITION FOR VARIANCE
12th Election District

ZONING: Petition for Variance
LOCATION: Southwest side of West Woodwell Road, 355 ft. Northwest of the centerline of Pinewood Road
DATE & TIME: Tuesday, July 31, 1984 at 10:15 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit a side setback of 1 ft. in lieu of the required 7.5 ft.

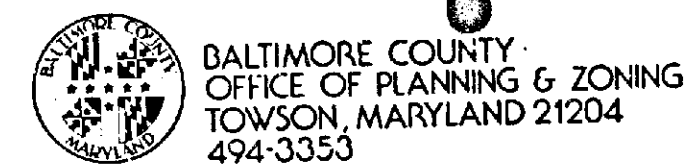
Being the property of Vincent Culotta, et ux, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

VARIANCE DESCRIPTION

Beginning on the southwest side of West Woodwell Road, 55 feet wide, at the distance of 355 feet northwest of the centerline of Pinewood Road, being Lot 135, Block 6, in the subdivision of Gray Manor, Book 13, Folio 34. Also known as 2709 West Woodwell Road in the 12th Election District.



ARNOLD JABLON
ZONING COMMISSIONER

July 25, 1984

Mr. & Mrs. Vincent Culotta
2709 W. Woodwell Road
Baltimore, Maryland 21222

Re: Petition for Variance
SW/8 of W. Woodwell Rd., 355' NW of the
c/l of Pinewood Road
Case No. 85-30-A

Dear Mr. & Mrs. Culotta:

This is to advise you that \$48.20 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

Arnold Jablon
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 131953

DATE 7/31/84 ACCOUNT R-01-615-000

AMOUNT \$48.20

RECEIVED Vincent Culotta
FOR advertising and posting Case 85-30-A

C 015*****482016 6314F

VALIDATION OR SIGNATURE OF CASHIER

Mr. & Mrs. Vincent Culotta
2709 W. Woodwell Road
Baltimore, Maryland 21222

July 7, 1984

NOTICE OF HEARING

Re: Petition for Variance
SW/8 of West Woodwell Rd., 355' NW
of the c/l of Pinewood Rd.
Vincent Culotta, et ux - Petitioners
Case No. 85-30-A

TIME: 10:15 A.M.

DATE: Tuesday, July 31, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

Arnold Jablon
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 130573

DATE 7/24/84 ACCOUNT R-01-615-000

AMOUNT \$35.00

RECEIVED Vincent Culotta
FOR Variance Report Item 330

C 036*****357016 6244A

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

38 N. Dundalk Ave.
Dundalk, Md. 21222

July 12, 19 84

THIS IS TO CERTIFY, that the annexed advertisement of
Arnold Jablon in the matter of P.O. #57134 -
Reg. #L63191.
was inserted in **The Dundalk Eagle** a weekly news-
paper published in Baltimore County, Maryland, once a week
for one ~~thirty~~ week, before the
13th day of July 19 84; that is to say,
the same was inserted in the issues of July 12, 1984

Kimbel Publication, Inc.
per Publisher.

By *K.C. Decker*

PETITION FOR VARIANCE
12th Election District
ZONING: Petition for Variance
LOCATION: Southwest side of West
Woodwell Road, 355' NW of the
centerline of Pinewood Road.
DATE & TIME: Tuesday, July 31, 1984
at 10:15 A.M.
PUBLIC HEARING: Room 106, County
Office Building, 111 W. Chesapeake
Avenue, Towson, Maryland.
The Zoning Commissioner of Bal-
timore County, by authority of the
Zoning Act and Regulations of Bal-
timore County, will hold a public hear-
ing.
Petition for Variance to permit a
side setback of 1 ft. in the re-
sidual 7.5 ft.
Shew the property of Vincent
Culotta, et ux, as shown on plat plan
filed with the Zoning Department.
In the event that this Petition is
granted, a building permit may be
issued within the thirty (30) day
appeal period. The Zoning Commis-
sioner will, however, entertain any re-
quest for a stay of the issuance of
said permit during this period. No
good cause shown. Such request must
be received in writing by the date of
the hearing set above or made at the
hearing.
BY ORDER OF ARNOLD JABLON
ZONING COMMISSIONER OF
BALTIMORE COUNTY

85-30-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
day of JUNE, 19 84.

Arnold Jablon
Zoning Commissioner

Petitioner Vincent Culotta, et ux
Attorney

Received by *Nicholas B. Commodari*
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 12 Date of Posting 7/14/84
Posted for: *Building for Variance*
Petitioner: *Vincent Culotta, et ux*
Location of property: *SW/8 of West Woodwell Rd., 355' NW of the c/l of Pinewood Rd.*
Location of Sign: *front of property (at 2709 West Woodwell Rd.)*
Remarks: *Item 2*
Posted by *Alan J. Herman* Date of return: 7/20/84
Number of Signs: *1*

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 12, 1984
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., appearing on
July 12, 1984.

THE JEFFERSONIAN,

B. Venetian

PETITION FOR VARIANCE
12th Election District
ZONING: Petition for Vari-
ance
LOCATION: Southwest side of
West Woodwell Road, 355'
NW of the centerline of
Pinewood Road.
DATE & TIME: Tuesday, July
31, 1984 at 10:15 A.M.
PUBLIC HEARING: Room 106,
County Office Building,
111 W. Chesapeake Avenue,
Towson, Maryland.
The Zoning Commissioner of
Baltimore County, by authority
of the Zoning Act and Regu-
lations of Baltimore County,
will hold a public hearing.
Petition for Variance to per-
mit a side setback of 1 ft. in
the residual 7.5 ft. in the
being the property of Vin-
cent Culotta, et ux, as shown
on plat plan filed with the
Zoning Department.
In the event that this Peti-
tion is granted, a building
permit may be issued within
the thirty (30) day appeal pe-
riod. The Zoning Commis-
sioner will, however, entertain any
request for a stay of the issuance
of said permit during this
period. No good cause shown.
Such request must be received
in writing by the date of the
hearing set above or made at
the hearing.
BY ORDER OF
ARNOLD JABLON
Zoning Commissioner
of Baltimore County
July 12

\$78.00



#135 (Petitioner) 3
2709 W. Woodwell RD



#135 (Petitioner) 5
2709 W. Woodwell RD



#123 (Petitioner) 7
2705 W. Woodwell RD



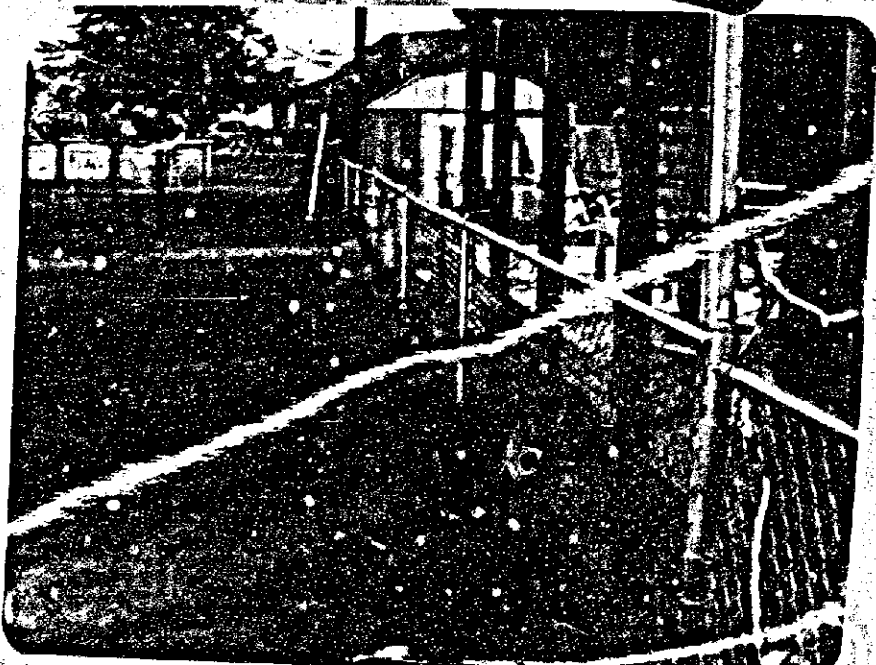
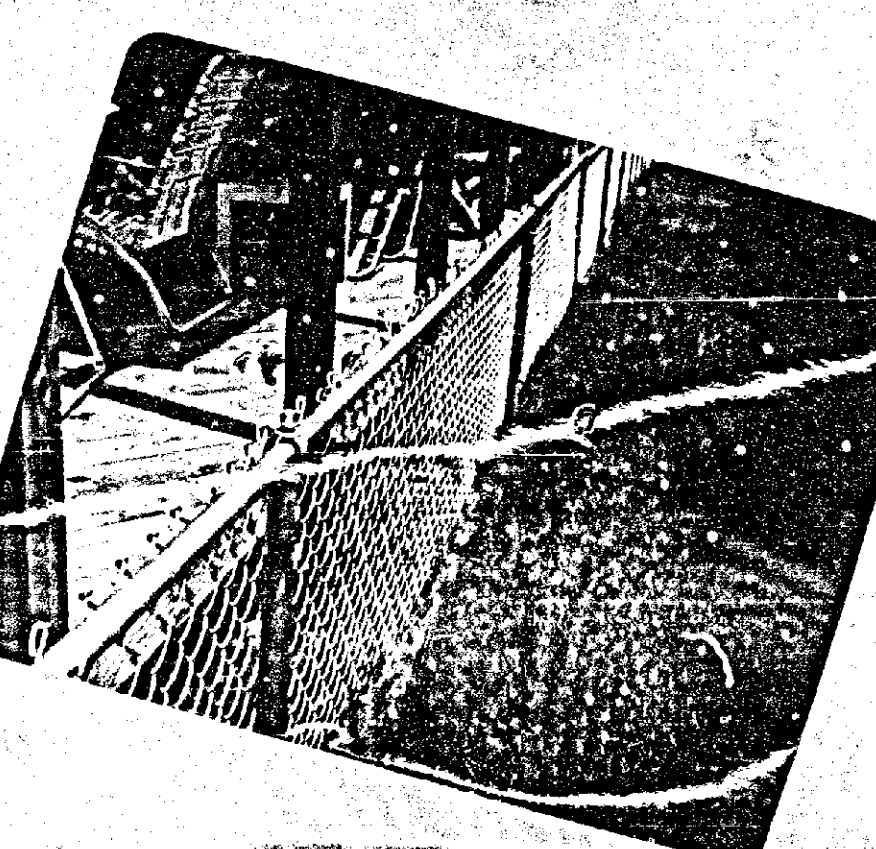
#218 (Petitioner) 8
2704 W. Woodwell RD



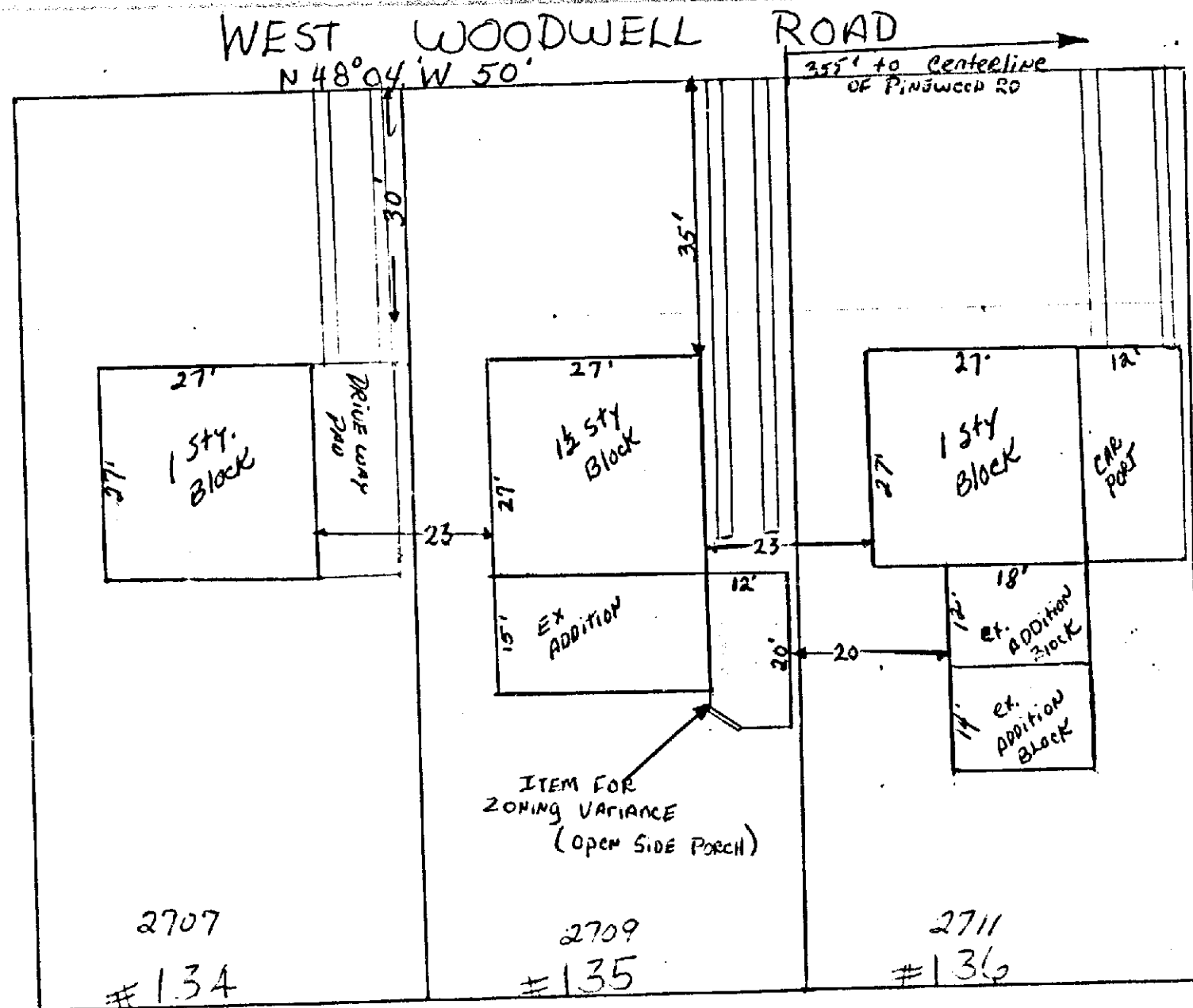
#135 (Petitioner) 4
2709 W. Woodwell RD



#135 (Petitioner) 4
2709 W. Woodwell RD



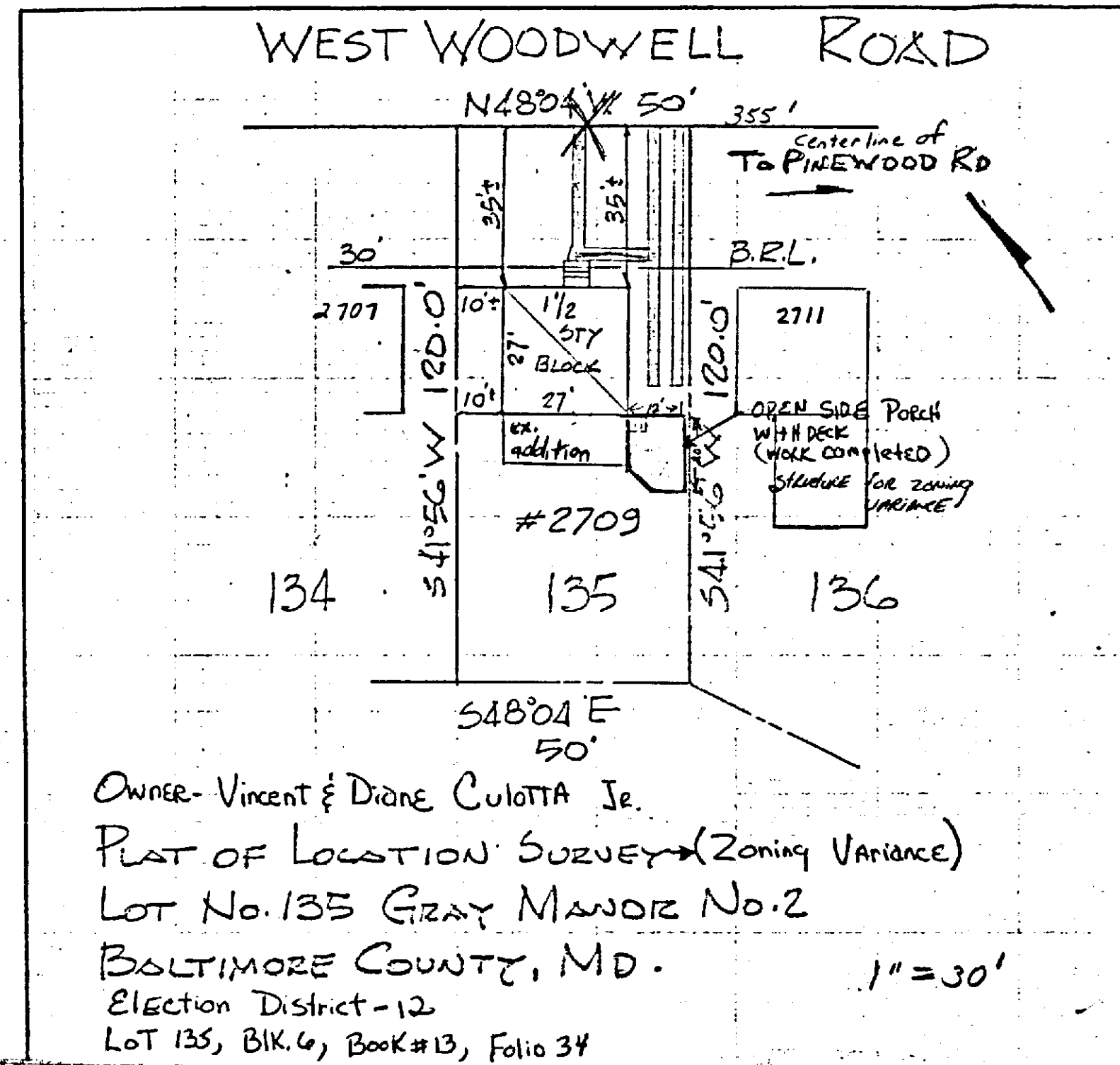
#218 (Petitioner) 8
2704 W. Woodwell RD



PETITIONER'S EXHIBIT 2

Vincent & Diane Culotta
Lot #135 District 12
Blk. 6 Book #13 Folio 34
Baltimore County
Gray Manor

1" = 20'



OWNER - Vincent & Diane Culotta Jr.

PLAT OF LOCATION SURVEY (Zoning Variance)

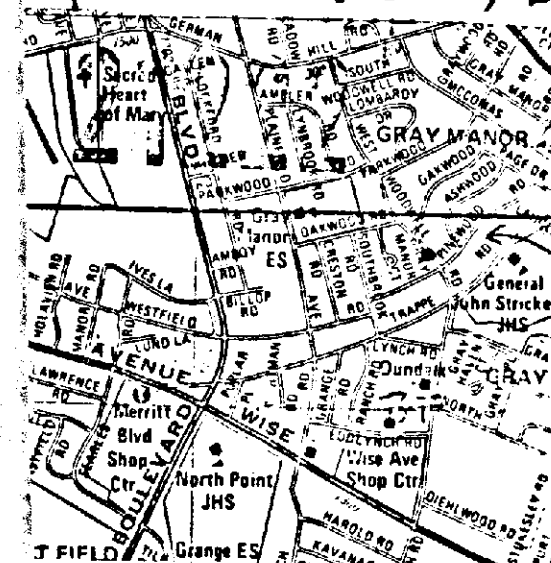
LOT No. 135 GRAY MANOR No. 2

BALTIMORE COUNTY, MD.

Election District - 12

LOT 135, BLK. 6, BOOK #13, Folio 34

1" = 30'



subject property

Existing utilities in West Woodwell Rd

PETITIONER'S EXHIBIT 1